

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALEXIS D. NEGRÓN-CRUZ,

Defendant.

Case. No.: 11cr229-FAB

***FIRST* MOTION TO CONTINUE FINAL REVOCATION HEARING**

TO THE HONORABLE COURT:

Mr. Negrón, through counsel, respectfully requests a continuance of the final revocation hearing to a date between August 19 and 23, or thereafter. No prior continuances have been sought.

The undersigned is presently drafting the appellant's brief for Mr. Negrón in 1st Cir. Case No. 23-1976, which is due June 17, 2024, the day before the final hearing is scheduled. I'm making this request for several reasons. First, my workload has been severely impacted, and I haven't had the opportunity to earnestly discuss a global resolution with government counsel in this case and a separate USAO-PR appellate team. Doing so, I believe, is necessary to effectively represent Mr. Negrón.

And this has been despite an openness of government counsel, who exchanged a number of emails with me today regarding this request. But to engage in greater depth, I need to do more research on the range of internet-restricting conditions that have been either stricken or upheld by reviewing courts. In addition to legal research, I'm still investigating the capabilities of U.S. Probation's third-party electronic sur-

veillance provider, and I am counseling Mr. Negrón regarding his options going forward. Most recently, I had planned an extended meeting with Mr. Negrón for Wednesday afternoon only to arrive at MDC Guaynabo during a system-wide BOP internet shutdown that blocked our visit.

With a few more weeks of effort, I have a good-faith basis to believe that additional pre-final hearing efforts stand to benefit all involved, including Probation and the government. And by the time any final hearing takes place, I'd like to be able to accurately advise Your Honor what can be expected in Mr. Negrón's first two to three weeks in the community once released. To that end, if the current combination of conditions is too broad or too impracticable, I intend to argue as much before this Court so that I can adequately defend Mr. Negrón's rights and propose a solution to get him through the twenty-five-year supervised release period. Likewise, in 1st Cir. Case No. 23-1976, Mr. Negrón is trying to secure access to his most recent psychological evaluation and get rulings on the reach of procedural guardrails in Fed. R. Crim. P. 32.1 and related authorities.

The defense recognizes that Mr. Negrón has a right to this final hearing "within a reasonable time," and he remains detained. Fed. R. Crim. P. 32.1(b)(2). As such, I'm informing the Court that I've discussed this right with Mr. Negrón and he nevertheless agrees to this continuance, if granted, and waives the "reasonable time" requirement through the dates proposed.

And while I had hoped to be able to move forward with the hearing or in-depth negotiations sooner, my overall caseload has been impacted. I started the month flying to Boston for oral argument in *United States v. D'Angelo*, 1st Cir. No. 22-1875, on June 3, 2024. I returned to file the reply brief in *United States v. Munafo*, D.C. Cir.

No. 23-3187, on June 5, 2024, and I'm currently racing to finish a brief in support of § 2254 relief in *Ramos-Cruz v. Emanuelli-Hernández, et al.*, D.P.R. No. 20-cv-1589-FAB. Regrettably, I will likely need to seek a brief extension of time for that brief and continue working on it through the weekend. And concurrently, I am doing research and investigation for three other substantive post-conviction motions with deadlines between June 28, 2024 and July 1, 2024.

This motion is made in good faith to provide adequate representation to Mr. Negrón.

WHEREFORE, it is respectfully requested that the Honorable Court note and grant this motion continue the final revocation hearing to a date between August 19 and 23, or a date soon thereafter.

RESPECTFULLY SUBMITTED. June 14, 2024

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***CERTIFICATION:** I ECF-filed this motion, notifying all parties of record.